Diplomats enjoy immunity from suit, even in cases where neither person nor property are immediately affected. *Magdalena Steam Navigation Co.* v. *Martin* (1859), 28 L. J. Q. B. 310. The immunity continues for a reasonable time after termination of the appointment to enable the diplomat to hand over the office to his successor and return to his country. *Musurus Bey* v. *Gadban* (1894), 63 L. J. Q. B. 621. The report of the Foreign Office as to the status of foreign dignitaries and their representatives is conclusive. *Mighell* v. *Sultan of Johore* (1893), 63 L. J. Q. B. 593 (status of foreign sovereign); *Foster* v. *Globe Venture Syndicate* (1900), 69 L. J. Ch. 375 (status and boundaries of foreign state). Lord Talbot's dictum that diplomatic immunity cannot be waived applies only to waiver without leave of the Sovereign. See *Barbuit's Case* (1737), Cas. t. Talb. 281. The Diplomatic Privileges Act of 1708 is merely declaratory of the common law, of which the law of nations is to be deemed a part. *Triquet* v. *Bath* (1764), 3 Burr. Diplomatic privilege under the law of nations may be waived with the permission of the diplomat's Government. The opinion suggests that the diplomat is the proper source of information with regard to this permission.

INTERNATIONAL LAW—REQUISITION BY FOREIGN SOVEREIGN—IMMUNITY FROM PROCESS.—The "Roseric," a privately owned ship, collided with a barge belonging to the libellants who subsequently attempted to enforce a lien through process and seizure. The ship was released on bond. It appeared from the statement of amici curiae (counsel for the British Embassy) that at the time of the collision the ship was requisitioned as a British transport and that the arrest would "interfere with the government business upon which said vessel is engaged." *Held,* that by rule of comity the vessel was exempt during its requisition. To permit the arrest would be inconsistent with the dignity and independence of sovereignty which must not be "hampered or interfered with in the use of such instrumentalities." *The "Roseric,"* 254 Fed. 854 (Dist. Ct. D., New Jersey, 1918).

The court refused to be led by the per curiam opinion in *The "Attualita,"* 238 Fed. 909, which did not recognize immunity for a ship in the employment of the Italian government, on the ground that the Italian government would not be liable for the wrong done by the vessel. That court failed to realize the hazard of preferring a local claim for damages over the public purpose of a foreign sovereign. As a rule the municipal courts are extremely careful to uphold the foreign sovereign in the protection of its public purposes as against the local demands for private redress. In *The "Parlement Belge,"* Ct. of Appeals, L. R. 5 Prob. Div. 197, the proceeding was in rem against a public mail-packet of the Belgian government. It was argued by the claimants that a proceeding in rem was against the vessel only and not against the sovereign. The court, however, realized that the property must be considered as property belonging to someone. The municipal principle as to proceedings in rem had to give way when the owner was a foreign sovereign. It could not be supposed that the sovereign was not indirectly impleaded. To attempt to exercise such authority would be "inconsistent with the independence and equality of the state which is represented by such owner."

The court went even farther and said that the declaration of the sovereign that the vessel was public "cannot be inquired into." In *The "Davis,"* 10 Wall. (U. S.), 15, an action in rem was allowed against a shipment of cotton, the property of the United States, on board a private vessel, since the property was not in the possession of the United States and process would not have to be issued against it. C. H. Weston in an article in 32 HARV. LAW REV., called "Actions Against the Property of Sovereigns" (Jan. 1919), at p. 266, assails the "possession" test and suggests the test of public purpose. He brings an analogy from the law of municipal corporations whose property is not exempt when owned for profit but is exempt when charged with a public purpose, viz., hospitals, fire engines, etc. No issue can be taken with the proposition that the property of the sovereign which is charged with a public purpose should be exempt from local process. But if he means to make the local courts the judges of the public purposes of sovereigns there can be no approval. The inevitable and accepted view is presented in Weston's paraphrase of the holdings of the courts on this question: "Sovereign authority would shrink to small proportions if not permitted to determine what uses of its property are public. To inquire into the use of property declared by a foreign sovereign to be public would be to flout the dignity of sovereignty which the courts have declared entitled to respect." It may be added that it would not only flout the dignity of sovereignty but would also "endanger the performance of the public duties of the sovereign." *Briggs* v. *Lightboats,* 93 Mass. (11 Allen) 157. The court in the principal case, however, attempts to include the case within the rule of *The "Davis,"* supra, by saying that the officers and crew became for the time being "the sovereign's instrumentalities and whatever possession of the ship they obtained by reason of this employment was the sovereign's possession while the requisition was in force." This reasoning is hardly necessary if the sovereign once declares the ship bound on a public purpose. But the decision is correct and the general principles governing it are unquestionably sound. See also *Vavasseur* v. *Krupp,* 9 Ch. D. 351; *The "Exchange,"* 11 U. S. (7 Cranch) 116; *The "Broadmayne,"* L. R. [1916] Prob. Div. 64.

NEGLIGENCE—SUBCONTRACTOR'S DUTY TO MAINTAIN SAFE CONDITIONS—INJURIES TO THIRD PERSONS.—Defendant had a contract with a building corporation to install the ornamental iron work in a certain building. This included the installation of the steel work of the inside stairways exclusive of the marble treads which were necessary to make the stairway complete. The proof showed that it was the universal custom as the construction progressed to use these staircases with the iron tread for workmen going up and down the building; and that the defendant had full knowledge of such actual use in this building. An employee of another contractor doing masonry work upon the building stepped upon a tread of one of these stairs, which fell by reason of the fact that it had not been properly bolted as it should have been. The action is for resulting injuries due to the alleged negligence of the defendant. *Held,* that the plaintiff could not recover because the defendant owed him no duty to make the stairway safe. "The